

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated April 23, 2009.

Claims 1, 3, 6-9, 11, 14-17, 19, 22-29 and 33 are pending.

Claims 1, 3, 6-9, 11, 14-17, 19, 22-29 and 33 have been rejected.

Claims 28-29 have been cancelled.

Claims 1, 6, 7, 9, 14, 15, 17, 23 and 33 are amended.

Telephonic Interviews

Applicants appreciate the courtesy extended by the Examiner in the telephonic interviews on July 23, 2009 and July 21, 2009. Applicants believe that the amendments included herewith are substantially in harmony with the discussion during those interviews.

Rejection of Claims under 35 U.S.C. § 112

Claim 33 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action alleges that the use of the term, "indivisible space" renders the claim indefinite. Without conceding the propriety of this rejection, but instead to expedite prosecution of the present Application, Applicants have amended Claim 33 to strike all references to "indivisible space." Applicants believe that this amendment overcomes and request withdrawal of the rejection of Claim 33 under 35 U.S.C. §

112. Applicants further respectfully reserve the right, in the context of a response to a subsequent office action or in a continuing application, to demonstrate that the term “indivisible space” does not render Claim 33 indefinite.

Rejection of Claims under 35 U.S.C. § 101

Claims 1, 3, 6-8, 25, 28-29 and 33 stand rejected under 35 U.S.C. § 101 as allegedly failing to recite statutory subject matter by violating the requirement to be tied to a particular machine or to transform underlying subject matter. Without conceding the propriety of this rejection, but instead to expedite prosecution of the present Application, Applicants have amended Claim 33 to recite “a processor of a central reservation system data processing system determining an availability...” Similarly, Applicants have amended Claim 1 to recite “a processor determining an availability.” Applicants believe that these amendments overcome and request withdrawal of the rejection of Claims 1, 3, 6-8, 25, 28-29 and 33 under 35 U.S.C. § 101. Applicants further respectfully reserve the right, in the context of a response to a subsequent office action or in a continuing application, to demonstrate that the previous versions of Claims 1, 3, 6-8, 25, 28-29 and 33 recite statutory subject matter.

Rejection of Claims under 35 U.S.C. § 103

Claims 1, 3, 6-9, 11, 14-17, 19 and 22-29 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0069094 by Bingham *et al.*, (Bingham) in view of U.S. Patent Application Publication No. 2005/0033613 by Patullo *et al.* (Patullo), and further in view of “Christmas in Williamsburg” by Edward B. Fiske (Fiske).

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully amend and traverse the rejections, to the extent that rejections may be applied against the amended claims, as follows. Applicants reserve the right, for example, in a continuing application or request for continuing examination, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* M.P.E.P. 2143; M.P.E.P. 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998). Applicants respectfully submit that, inasmuch as the rejections may be applied against the amended claims, the rejections offered in the present Office Action do not meet this burden.

Specifically, each of independent Claims 1, 9, 17 and 33 recites limitations that are not taught or suggested in the combination of *Bingham*, *Patullo* and *Fiske*. As discussed in the interview of July 23, 2009, each of Claims 1, 9, 17 and 33 now recites that “an alternative to the requested function space is presented, the alternative is selected as a closest approximation to the request, [and] the alternative is selected based on being fully available” or similar limitations. These amendments are supported, for example, by at least page 9, ¶[0026] of Applicants’ Specification. As discussed, *Bingham* specifically teaches away from presentation of an alternative selected on the basis of being fully available by showing, at Figure 11, a range of alternatives, some of which are clearly displayed in the figure as being unavailable. For at least

the reason that *Bingham* specifically teaches away from presentation of an alternative selected on the basis of being fully available, Applicants respectfully submit that combination of *Bingham*, *Patullo* and *Fiske* does not teach or suggest, and therefore does not render obvious, each limitation of Claims 1, 9, 17 and 33.

Further, as also discussed in the interview of July 23, 2009, each of Claims 1, 9, 17 and 33 recites the following (or similar limitations):

converting, after a delay, said reservation to a reservation for a specific space, wherein the converting comprises displaying a graphical representation of a hierarchical relationship between a category space and the specific space, in the graphical representation, the category space is arranged vertically with the specific space sharing a horizontal axis, and the specific space comprises a specific space configuration, [and] the specific space configuration comprises one or more alphabetically-identified specific spaces.

See, e.g., Claim 1. As discussed, Applicants respectfully submit that combination of *Bingham*, *Patullo* and *Fiske* does not teach or suggest the recited limitation or any analogous concepts. Therefore, the combination of *Bingham*, *Patullo* and *Fiske* does not render obvious, each limitation of Claims 1, 9, 17 and 33.

For at least these reasons, Applicants respectfully submit that each of Claims 1, 9, 17 and 33 is allowable over the combination of *Bingham*, *Patullo* and *Fiske*, as are their respective dependent claims, each of which depends from and further patentably distinguishes one of Claims 1, 9 and 17. Applicants therefore request the withdrawal of the rejection of and a notice of allowance for all pending claims.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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